



DEVELOPMENT ADVISORY – Number: 4
April 9, 2007

Subdivision Construction Agreement Modifications

The City is proposing multiple changes to various Subdivision Construction Agreement Forms. The City Attorney's Office has completed a comprehensive review and determined these changes are warranted to protect the City's interest. The following attached forms have been reviewed and revised by this office. The major substantive changes have been the standardization of signature requirements, notary requirements and formatting on all documents. The most significant change is that the bond agreement formally attached to Subdivision Agreements and Ancillary Agreements has been removed and a single new form will be utilized allowing for cash, surety or Letter of Credit on the same form. The Bond Agreement will be legally necessary for all Subdivision Agreements and Ancillary Agreements and the appropriate Surety should be attached to this Bond Agreement.

Each form will also have a "numbered example form" and "instructions" for the completion of the form. The instructions for completion should answer most citizens' questions as to the City's requirements for each numbered field in these forms. The forms can be reviewed now at the City's Development Land-Use and Construction Web page http://cityofchesapeake.net/services/Development2/dev_advisory_4.shtml and http://cityofchesapeake.net/services/Development2/dev_advisory_4-exec-requirements.shtml

The following is a list of the revised documents and a brief description of the changes made to each form:

1. Defect Bond (Cash) Formatting and font changes. Title of document was changed to reflect cash. Document requests more identification information about obligee. Standardized signature and notary requirements.
2. Defect Bond (Letter of Credit) Title of document was changed to reflect Letter of Credit. Document requests more identification information about obligee. Standardized signature and notary requirements.
3. Defect Bond (Surety) Formatting and font changes. Title of document was changed to reflect Surety. Document requests more identification information about obligee. Standardized signature and notary requirements.
4. Excavation Bond Formatting and font changes. Second paragraph was changed to allow the selection of Surety, Cash or Letter of Credit. Standardized signature and notary requirements.

5. Subdivision Agreement (2Party) Formatting and font changes. Removed old bond agreement that was attached. Standardized signature and notary requirements.
6. Subdivision Agreement (3Party) Formatting and font changes. Removed old bond agreement that was attached. Standardized signature and notary requirements.
7. Ancillary Agreement (Generic) Formatting and font changes. Removed old bond agreement that was attached. Standardized signature and notary requirements.
8. Ancillary Agreement (SW&ROW/Veg) Formatting and font changes. Removed old bond agreement that was attached. Standardized signature and notary requirements.
9. Bond Agreement New form to be utilized with all Subdivision and Ancillary Agreements.
10. Important Information For The Execution Of All Documents New information document.

Any concerns or questions about these new forms should be directed to Richard Hartwick rhartwick@cityofchesapeake.net by April 23, 2007.

The City will require any documents to be submitted on or after April 30, 2007 to use these new forms. The forms will also be included on the Development website by April 30, 2007.

Deeds of Easement/Subdivision Plat Review

With input from the development community, the City has modified the procedures for Deeds of Easements and Subdivision Plats, which were previously published on January 3, 2007. The revised procedures are as follows and are currently effective.

Purpose:

To insure the City receives clear title for easements and right-of-way, the following process has been established. The City has taken the following additional steps in the review process to insure deeds have proper form, descriptions, signatories, and source of title. Property owners, engineers and developers should consider the process in scheduling their project tasks.

1. Submittal Requirements – Deeds
 - A. Deeds of Dedication/Easement and other agreements conveying property rights.
 1. Provide a Title Report prepared within the last 60 days. City Attorney's office, and/or Right-Of-Way Agent (Public Works documents only), will use this to verify signatory and source of title. An Attorney Title Opinion Letter will be accepted in lieu of a Title Report. However such opinion letter shall include an examination of the deeds and records of title documents for the past 60 years, an

abstract of title reflecting any clouds, defects or encumbrances on title such as rights of way, servitudes, easements, liens or judgments, and an opinion as to the legal status of title of the specific property. Grantors will obtain and record all necessary releases.

2. Copy of most recent deed conveying property to the current owner. City Attorney's office will use this to verify signatory.
3. Deeds with appropriate description of the conveyance and any exhibit. The City will review draft deeds if the applicant wants to insure the document is acceptable before executing it. The appropriate department will review these documents for location consistent with requirements for the construction plan. The City Attorney's office will review for proper form and description of conveyance. Use most current deed templates from the City website.

B. Review Times

1. City Attorney's office and/or Right-Of-Way Agent will provide review in two weeks or less upon receipt of exhibit, deed request and title report.
2. Plan reviewers and design engineers should encourage the property owners to start this process as early as possible to avoid delays in plan approval.

2. Submittal Requirements – Subdivision Plats

- A. Title Report prepared within the last 60 days for review by City Attorney's office. An Attorney Title Opinion Letter will be accepted in lieu of a Title Report. However such opinion letter shall include an examination of the deeds and records of title documents for the past 60 years, an abstract of title reflecting any clouds, defects or encumbrances on title such as rights of way, servitudes, easements, liens or judgments, and an opinion as to the legal status of title of the specific property. If a Subdivision is developed in stages or phases, an updated Title Report or Attorney Opinion Letter will be required for each stage or phase as and when submitted. Grantors will obtain and record all necessary releases.
- B. Copy of most recent deed conveying property to current owner for review by City Attorney's office and Right-Of-Way Agent.
- C. Subdivision Plat
- D. Review of title and source of title will generally be completed within two weeks or less.

- E. Add Source Map Book and Source Tax Parcel to the Source Deed on subdivision plat.

Review of Development Plans

The City has been working towards completing the review of plans within the timeframes specified in the City's guidelines. This has not been accomplished, but the City continues to work towards this goal. The development community can assist in this effort by submitting complete packages which includes all required supporting documents and analysis. In addition, plans should be reviewed "in-house" prior to submittal to the City to ensure compliance with PFM requirements and City Codes. In the event, you feel dissatisfied with your review time; please call Mark Curry or Jay Tate for assistance at (757) 382-6283.

Rezoning Applications/Traffic Impact Analysis

Rezoning applications require traffic impact analysis (TIA) and level-of-service (LOS) to complete the review, prior to forwarding a recommendation to the Planning Commission. Frequently, this analysis has been an after thought and not addressed in the initial submittal of the application. By not including a complete application for review, there is a higher likelihood that the application will be delayed to accommodate preparation and review of the TIA and LOS.

Public Works recommends that prior to submittal of any rezoning applications, the applicant's representative shall meet with Traffic Engineering, to determine the scope of required analysis. This scope may be as little as current counts, or as much as a major TIA. Traffic Engineering pre-application meetings can now be scheduled by contacting Steve Froncillo sfroncillo@cityofchesapeake.net and Wayne Harrell wharrell@cityofchesapeake.net.

City Development Website

The City has made a significant effort to include procedures and development forms on the website. From time-to-time these items are revised. We strongly encourage the development community to bookmark this site; and use it to pull the most current forms when submitting documents. If you have any questions about the website, please call Tom Crawford at (757) 382-6498.

Personnel Changes

Anna Mossing, Construction Administration Engineering Technician- Recently hired to support Tom Crawford in the Subdivision Construction/Administration Section of Engineering. She will process various development agreements; provide bond calculations, recordation fees, and administration of various construction bonds and inspections.

Lois Smith, Office Specialist – Supporting Development Review and Subdivision Construction/Administration. Lois replaced Mary Wilkerson who has taken a position with Stormwater Management.

Earl Sorey, Acting Traffic Engineer – has been chosen to temporarily serve as the City's Traffic Engineer. Bernie Whitlock retired in February of this year.